

REMARKS

The Office Action mailed September 13, 2004 has been reviewed and carefully considered. Claims 1-9 remain pending, of which the independent claim remains 1. Claim 9 has been amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claim 9 stands objected to for indefiniteness, and has now been amended for clarity. The amendment of claim 9 is believed to overcome the basis for the objection.

Claims 1-3 and 8 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,473,384 to Jayant et al. ("Jayant").

The Jayant spatial filter inputs, from a temporal filter 110, a set of frames 103 and outputs a set of reconstructed frames 104.

First, Jayant fails to disclose or suggest the that the pixel to be filtered is in the same picture as the set of moving, non-smooth, non-edge pixels, if any, in immediate adjacency of the pixel to be filtered.

Second, Jayant fails to disclose or suggest that moving, non-smooth, non-edge pixels are in immediate adjacency of the pixel to be filtered.

Notably, Jayant fails to disclose or suggest that any smooth pixel to be filtered within a picture by a median filter is inputted into that filter, at least since that pixel to be filtered is filtered by a double median filter 148.

In particular, Jayant fails to disclose or suggest a method of

processing data which represents a sequence of pictures, . . . comprising the steps of: examining pixels within a picture of said sequence to detect edge pixels and non-edge pixels; choosing from among the detected non-edge pixels, a pixel to be filtered; and replacing the chosen pixel with a pixel that is selected from among said chosen pixel and at least one

pixel of said pixels within a picture in immediate vertical, horizontal or diagonal adjacency with said chosen pixel

For at least all of the above reasons, Jayant fails to anticipate the present invention as recited in claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

Nor would claim 1 have been obvious in view of Jayant, for reasons clear from the above analysis.

Claims 1-4, 8 and 9 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,229,578 to Acharya et al. ("Acharya").

Acharya fails to disclose or suggest, "choosing from among the detected non-edge pixels, a pixel to be filtered."

In addition, Acharya fails to disclose or suggest "examining pixels within a picture of said sequence to detect edge pixels and non-edge pixels; choosing from among the detected non-edge pixels, a pixel to be filtered; and replacing the chosen pixel with a pixel that is selected from among said chosen pixel and at least one pixel of said pixels within a picture in immediate vertical, horizontal or diagonal adjacency with said chosen pixel." Although, Acharya, in applying the multi-level median hybrid filter, replaces a non-edge pixel with the median pixel, that median pixel is not selected not from among the pixels from among which the non-edge pixel was detected. Instead, the median pixel is selected from among the outputs of averaging subfilters (col. 10, line 15: "averaging subfilters").

Moreover, Acharya teaches away from any notion of foregoing the averaging subfilters (col. 10, lines 33-35).

The Office Action suggests that removing the averaging step "would not change the overall operation of Acharya's invention."

However, regardless of the merit of this suggestion, or lack thereof, this suggestion ignores the prevailing standard for making an obvious rejection based upon examination of a U.S. patent application.

The standard is not whether the Examiner, knowing the goal to be reached based on the applicant's disclosure, can reverse engineer a prior art reference to resemble a claim in the application without changing the reference "too drastically."

The standard is whether one of ordinary skill in the art, with the reference in front of him/her, would have been motivated to make the modification being proposed by the Examiner.

Since Acharya teaches away from such a modification, motivation would not have existed. Accordingly, for at least all of the above reasons, claim 1 is not rendered obvious by Acharya. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as unpatentable over Jayant in view of U.S. Patent No. 5,852,475 to Gupta et al. ("Gupta").

Claims 5-7 depend from claim 1. Gupta relates to artifact reduction, but cannot make up for the shortcomings of Jayant. Accordingly, the proposed combination of prior art fails to render obvious the present invention as recited in claims 5-7.

As to the other rejected claims, each depends from the base claim 1 and is likewise deemed to distinguish patentably over the applied references for at least the same reasons set forth above with regard to claim 1.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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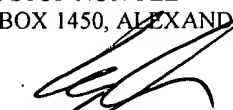
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